

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSHUA LINER,

Plaintiff,

ORDER

99-CV-6084L

V.

GLENN GOORD, et al.,

Defendants.

On March 10, 2006, Joshua Liner ("Liner"), proceeding *pro se*, requested leave to proceed *in forma pauperis* on appeal from a jury verdict, returned February 16, 2006, of No Cause of Action on his civil rights claim brought pursuant to 42 U.S.C. § 1983. Judgment was entered on February 16, 2006.

The motion must be denied. Although Liner has submitted what appears to be a record of his current inmate account, this conflicts with what Liner said in open court to the jury when he made his *pro se* closing argument on February 13, 2006. During that argument in attempting to explain that his case was not about money, Liner said "I don't need no more [money]. I have \$23,000 in my account when I started, \$23,000 in my account. It cost me \$400 to prosecute these things, \$400." (Trial Transcript).

Therefore, because Liner stated in open court to the jury less than a month ago that he had \$23,000 in his account, and because Liner did not prosecute these cases in the district court, but paid the full filing fees of \$405 for this action, and another 98-CV-6343, plaintiff Joshua Liner's motion to proceed *in forma pauperis* (Dkt. #90) is denied.

IT IS SO ORDERED.



DAVID G. LARIMER

United States District Judge

Dated: Rochester, New York
March 14, 2006.

